

**The Law of the Republic of Kazakhstan
ON ENVIRONMENTAL PROTECTION**

Nature and its riches represent the natural basis for the life and activity of the peoples of the Republic of Kazakhstan, their stable social and economic development, and the growth of their well-being. This Law shall determine the legal, economic, and social bases for environmental protection in the interests of present and future generations and shall be aimed at ensuring ecological security, prevention of damaging effects on natural ecosystems from economic and other activities, preservation of biological diversity, and organization of the rational use of the environment.

CHAPTER I. GENERAL PROVISIONS

Article 1. Basic Terms and Definitions

In this Law the following basic terms and definitions shall be used:

"Environment" - all natural objects including organic and inorganic Natural Resources, including the atmosphere, water, soil, subsoil, flora and fauna, the climate and the interrelation there between;

"Environmental Protection" - the system of state and public measures aimed at harmonious interrelation between nature and people, improvement of the quality of the environment, and the rational use and renewal of Natural Resources;

"Objects of Environmental Protection" - integral parts of the environment protected by legislation;

"Natural Resources" - integral parts of the environment used in the course of economic and other activity in order to satisfy material, cultural, and other requirements of society;

"Use of Resources" - use of Natural Resources in the economy and other activities of the people;

"Environmental Quality" - characteristics of the composition and properties of the environment;

"Environmental Monitoring" - control over the state of the environment and providing warning of arising emergencies which are damaging or dangerous to the health of people and other living organisms;

"Environmental Quality Regulations" - the establishment of indexes for environmental quality to determine its suitability for human existence and to ensure the preservation of biological diversity and stable use of ecologic systems;

"Pollution of the Environment" - introducing potentially hazardous chemical and biological substances, radioactive materials, industrial and consumption wastes into the environment, and the effect on the environment of noise, vibrations, magnetic fields, and other damaging physical effects;

"Ecological Requirements" - obligatory restrictions and prohibitions of the economic and other activity adversely affecting the environment included in legislative and other secondary regulations and normative and technical acts of the Republic of Kazakhstan;

"Ecological Safety" - state of protectiveness of vital interests and rights of an individual and the society from threats resulting from human-caused and natural effects on the environment;

"Ecosystem" - interrelated, unified, functional aggregate living organisms and their non-living environment.

Article 2. Legislation of the Republic of Kazakhstan on Environmental Protection

1. The objectives of the legislation of the Republic of Kazakhstan on Environmental Protection shall be the regulation of relations in the interaction between society and nature, aimed at the improvement of Environmental Quality, the rational use and renewal of Natural Resources, and the reinforcement of law and order.

2. The legislation of the Republic of Kazakhstan on Environmental Protection shall be based on the Constitution of the Republic of Kazakhstan and shall include this Law, laws on the protection, renewal and use of Natural Resources, and other legislative and normative legal acts.

In the event of a conflict between this Law and any other act containing norms which regulate Environmental Protection, the latter may be applied only after the corresponding changes have been included in this Law.

The protection and use of land, subsoil, water, atmosphere, forests and other flora, fauna, objects of the Environment of special ecological, scientific, and cultural value, and specially protected natural territories not regulated by this Law shall be regulated by the relevant legislative and other normative legal acts of the Republic of Kazakhstan.

Article 3. Basic Principles of Environmental Protection

Environmental Protection shall be based on the following basic principles: the priority of the protection of the lives and health of people, the preservation and restoration of an Environment favorable for the life, labor, and recreation of the population; balanced resolutions of social and economic objectives and problems of the Environment for the purpose of the 'transition of the Republic of Kazakhstan toward stable development under a market economy and meeting the requirements of present and future generations in a healthy and favorable Environment; the provision of Ecological Safety and restoration of violated natural Ecosystems on territories with an unfavorable ecological situation; the rational use and renewal of Natural Resources, the gradual introduction of fees for the Use of Resources, and the introduction of economic incentives for Environmental Protection; ensuring the preservation of biological diversity and environmental objects of special ecological, scientific, and cultural value; state regulation and state control over the inevitability of liability for violations of environmental legislation; the prevention of damage to the Environment and assessment of any possible effect on the Environment; the active and democratic participation of the population, public associations, and local self-administrating agencies for Environmental Protection; and international cooperation in Environmental Protection on the basis of international law.

Article 4. Objects of Environmental Protection

Objects for protection from elimination, degradation, damage, exhaustion, pollution, irrational use, and other damaging effects shall include: land, subsoil, water, the atmosphere, forests and other flora, and fauna; and natural Ecosystems, the climate, and the ozone layer of the Earth; Environmental objects of special ecological, scientific, and cultural value, as well as specially protected natural territories, shall be subject to special protection.

CHAPTER II. RIGHTS AND OBLIGATIONS OF CITIZENS AND PUBLIC ASSOCIATIONS IN THE SPHERE OF ENVIRONMENTAL PROTECTION

Article 5. Rights and Obligations of Citizens as Regards Environmental Protection

1. Every citizen, stateless person and foreigner residing in the Republic of Kazakhstan shall have the right to an Environment favorable for their life and health, reliable information with regard to the state of the Environment and measures for the improvement thereof, and compensation for damage caused to their life and property as a result of violations of the legislation on Environmental Protection.

2. Citizens shall have the following rights:

- to use Natural Resources in the established procedure, perform measures for their protection and renewal, participate in the protection and improvement of the sanitary conditions of the Environment;
- to create public associations and public funds for the Environmental Protection;
- to participate in assemblies, meetings, pickets, processions and demonstrations, and referendums on Environmental Protection;
- to petition state agencies and organizations with letters, complaints, statements, and proposals with regard to Environmental Protection matters and demand the consideration thereof;
- to submit proposals with regard to public expert ecological examinations and participate therein;
- to demand the elimination by administrative or judicial procedure of decisions on the placement, construction, reconstruction, and initiation of the operations of enterprises, constructions, and other ecologically harmful objects and the restriction, suspension, or termination of the economic or other activity of legal entities and individuals affecting the Environment and human health;
- to raise issues regarding bringing lawbreaking organizations, officials, and citizens to justice, to make claims in court with regard to damage caused to health and property as a result of violations of the legislation on Environmental Protection; and
- to exercise in the due procedure other rights they hold as stipulated by legislative and other normative legal acts.

3. Each citizen shall be obliged to protect the Environment and treat Natural Resources with care, observe the legislation on Environmental Protection, improve the level of ecological knowledge, and assist the ecological education of young generations.

Article 6. Rights and Obligations of Public Associations for Environmental Protection

1. Public associations shall have the following rights with regard to Environmental protection in the course of their activity:

- to draw up, approve and promote their ecological programs, to protect the rights and interests of citizens, and to attract citizens on a voluntary basis to active involvement in Environmental Protection;
- to work on the protection and improvement of the Environment, the rational use and renewal of Natural Resources, to participate in the protection of objects of the Environment of special

ecological, scientific, and cultural value and in the organization and operation of specially protected natural territories;

- to work in the due procedure on ecological education and training and scientific research on Environmental Protection;
- to demand state expert ecological examinations and perform public expert ecological examinations;
- to exercise public control over Environmental Protection;
- to receive from state agencies and organizations prompt, complete, and reliable information about the state of the Environment and about measures to improve the sanitary conditions thereof;
- to cooperate and interrelate with state agencies and international organizations for Environmental Protection, to conclude agreements with the above, and to perform certain contracted works provided for by legislation;
- to participate in discussions of legislative drafts on Environmental Protection;
- to demand the elimination by administrative or judicial procedure of decisions regarding the placement, construction, reconstruction, or initiation of the operations of enterprises, constructions and other ecologically harmful objects and the restriction, suspension, and termination of economic and other activity of legal entities and individuals which affects the Environment and human health;
- to raise issues regarding bringing lawbreaking organizations, officials, and citizens to justice, to make claims in court with regard to damage caused to health and property as a result of violations of the legislation on Environmental Protection; and
- to exercise in the due procedure other rights they hold as stipulated by legislative and other normative legal acts.

2. Public associations shall be obliged to act in accordance with the legislation on Environmental Protection and on public associations.

CHAPTER III. COMPETENCE OF AGENCIES OF STATE POWER AND LOCAL SELF-ADMINISTRATION AS REGARDS ENVIRONMENTAL PROTECTION

Article 7. Competence of the Government of the Republic of Kazakhstan

Regarding Environmental Protection Regarding Environmental Protection, the Government of the Republic of Kazakhstan shall:

- develop the basic objectives of state policy, and strategic and tactical measures for the implementation thereof;
- develop national (state) ecological programs and programs aimed at various aspects of the Use of Resources, and shall submit the same to the President of the Republic of Kazakhstan for approval;
- manage the activity of ministries, state committees, central executive agencies which are not part of the Government, and local executive agencies, and shall supervise the execution of Presidential acts and acts of the Government of the Republic of Kazakhstan by the above agencies;

- manage state property, and shall develop and impose measures on the Government for the use thereof; - determine the procedure for the development and approval of standards for Environmental Quality and Ecological Requirements for economic and other activity;
- establish the procedure for exacting fees for Pollution of the Environment and the procedure for the protection and renewal of Natural Resources;
- approve regulations on state funds for Environmental Protection;
- establish the procedure and conditions for mandatory ecological insurance;
- in the circumstances established by legislation, issue decrees on the provision of Natural Resources to the Use of Resources, conclude agreements (contracts), and establish limits and quotas for the Use of Resources;
- approve a list of the types of Use of Resources for which users of nature shall require permits, as well as the procedure for the issuance of such permits;
- approve concepts on various types of Use of Resources, establish the procedure for the state structure for the Use of Resources, for the approval and implementation of plans for the comprehensive use, renewal, and protection of Natural Resources, and for the maintenance of state registration and state surveys of Natural Resources;
- establish the structure, maintenance, and procedure of state Monitoring of the Environment and monitoring of Natural Resources;
- approve a list of ecologically dangerous economic activities and the procedure for the mandatory state licensing thereof, and a list of groups of similar products (work, services) regarding Environmental Protection subject to mandatory standardization and certification;
- approve within their competence the list of Objects of Environmental Protection of special ecological, scientific, and cultural importance, organize state natural reserves, state national and nature parks, and other specially protected natural territories;
- determine the procedure for the provision of information and maintenance of state statistics on Environmental Protection;
- approve the list of specially authorized agencies performing functions of Environmental Protection, management of the Use of Resources and the state control thereof, determine the procedure for their operation, and establish the procedure for licensing and conducting ecological audits;
- exercise international cooperation; and exercise other powers in accordance with the legislation of the Republic of Kazakhstan.

Article 8. Competence of the Central Executive Agency of the Republic of Kazakhstan for Environmental Protection

The central executive agency of the Republic of Kazakhstan for Environmental Protection shall coordinate the activity of other central executive agencies performing the functions of Environmental Protection and the management of the Use of Resources and shall exercise supra-administrative state control.

The central executive agency of the Republic of Kazakhstan for Environmental Protection sphere shall:

- ensure pursue a unified state policy on Environmental Protection and arrange the execution of national (state) ecological programs;
- approve within its competence or coordinate the standards for Environmental Quality and Ecological Requirements for economic and other activities;
- manage the republican Environmental Protection fund in the procedure established by the Government of the Republic of Kazakhstan, and control its operations;
- issue licenses for ecologically dangerous economic activities, and for the disposal of harmful substances into the Environment; in the procedure established by the Government of the Republic of Kazakhstan, shall conclude agreements (contracts), establish limits and quotas, and issue permits for the Use of Resources;
- work on the state Environmental Monitoring and manage a unified system of Environmental Monitoring and monitoring of Natural Resources;
- organize the state expert ecological examination;
- coordinate and perform the general systematic management of the affairs of natural reserves and maintain the state survey of specially protected natural territories;
- exercise state control over the protection, renewal and use of flora and fauna; - maintain the state survey of rare and endangered types of flora and fauna, provide for the publication of the Red Book;
- exercise state control over Environmental Protection in accordance with its competence;
- participate in international cooperation on Environmental Protection; and perform other functions to effective Environmental Protection.

Article 9. Competence of other Central Executive Agencies of the Republic of Kazakhstan Engaged in Environmental Protection and Management of the Use of Resources

The legal status and competence of other central executive agencies engaged in Environmental Protection and the management of the Use of Resources shall be established by the Government of the Republic of Kazakhstan on the basis of legislative acts.

Article 10. Competence of Local Representative and Executive Agencies and Local Self-Administrating Agencies Regarding Environmental Protection

1. Local representative agencies shall:

- approve programs for Environmental Protection and the Use of Resources on the appropriate territories;
- approve expenses for Environmental Protection and improvement of the Environment from local budgets;
- hear the reports of the directors of local executive agencies and organizations with respect to Environmental Protection and the Use of Resources;

- adopt within their competence obligatory rules stipulating administrative liability for violations thereof on issues of the improvement of the Environment, Environmental Protection, the renewal and rational use of Natural Resources, and the protection of Environmental objects of special ecological, scientific, and cultural value. Such rules shall be effective at least two weeks after they become public.

2. Local executive agencies shall:

- exercise state control over Environmental Protection and regulate the Use of Resources within their competence;

- arrange the development and implementation of programs for Environmental Protection and Use of Resources on the relevant territories, expert ecological examinations, and the construction and reconstruction of facilities for Environmental Protection;

- approve charges for Pollution of the Environment, prepare opinions on the prohibition of construction and reconstruction of enterprises, constructions and other objects which received a negative opinion from an expert ecological examination, suspend economic and other activity in the event of violations of Ecological Requirements and take corresponding measures;

- make decisions or submit proposals to superior agencies concerning the protection of Environmental objects of special ecological, scientific, and cultural value, and concerning the creation of specially protected natural territories; and - exercise other powers in accordance with the law.

3. Local self-administrating agencies for Environmental Protection shall ensure the participation of the population in the resolution of matters of local importance within their authority as established by legislation.

CHAPTER IV. NATURAL RESOURCES AND THE USE OF RESOURCES

Article 11. Natural Resources

The land, subsoil, water, flora and fauna, and other Natural Resources shall constitute the material base for the sovereignty of the Republic of Kazakhstan and shall be owned by the state. Land also may be privately owned on the grounds, terms and conditions, and to the extent established by law.

Article 12. Users of Nature

Users of nature shall be subdivided into legal entities and individuals, state and non-state, national and foreign. National users of nature shall include citizens of the Republic of Kazakhstan and Kazakhstan legal entities, including those with foreign participation, and foreign users of nature shall include foreign citizens, foreign legal entities, foreign states, and international associations and organizations.

Users of nature may be:

- permanent (having an indefinite right to the Use of Resources) and temporary (whose right to the Use of Resources is limited to a definite period);

- primary (whose right to the Use of Resources is obtained from the state or from other primary users of nature in the procedure of THE alienation of that right) and secondary (whose right to the temporary Use of Resources is obtained on the basis of an agreement with the primary user of nature, who retains its status).

Article 13. General and Special Use of Resources

Natural Resources of the Republic of Kazakhstan shall be for the general or special Use of Resources. The general Use of Resources shall be provided without cost for satisfying vital requirements of the population and without granting Natural Resources to citizens and organizations. The general Use of Resources may be restricted if expressly stipulated by legislation.

Under special Use of Resources, Natural Resources shall be granted to users of nature in due procedure. The right to the special Use of Resources may be permanent or temporary, alienable or inalienable, acquired free-of-cost or on a fee basis, primary or secondary.

The peculiarities of the origin of the right to the special Use of Resources or limited Use of Resources (servitudes) shall be determined by the legislation of the Republic of Kazakhstan.

Article 14. Bases for Granting Natural Resources for the Use of Resources

Natural Resources shall be granted for the Use of Resources on the following bases:

- licenses for the usage of Natural Resources and performance of individual types of activity in the field of Environmental Protection;
- upon the decision of local executive agencies or by resolution of the Government of the Republic of Kazakhstan on granting Natural Resources for the Use of Resources; and agreements (contracts) for the Use of Resources.

Article 15. Limits and quotas for the Use of Resources

Limits and quotas for the Use of Resources shall constitute amounts established for users of nature for a definite period for the limited use (withdrawal) of Natural Resources, the discard and disposal of contaminants into the Environment, and the siting of industrial and consumption wastes.

The limits and quotas shall be established by the Government of the Republic of Kazakhstan in accordance with the prevailing standards of Environmental Quality and Ecological Requirements for economic and other activities.

Article 16. Permit for the Use of Resources

A permit for the Use of Resources shall be a document issued to a user of nature by the specially authorized state agency for Environmental Protection and certifying the right of a user of nature to use (withdraw) Natural Resources, dispose of and discard contaminants into the Environment, site industrial and consumption wastes, and specifying the actual dates and amounts, standards, and the terms and conditions of the Use of Resources and applied technology.

Article 17. State Regulation of the Use of Resources

In order to provide state regulation of the Use of Resources, its state structure shall be formed, plans shall be drawn up for the comprehensive use, renewal, and protection of Natural Resources, and state records and state surveys of Natural Resources and state Environmental Monitoring and monitoring of Natural Resources shall be maintained in accordance with national (state) programs funded by the budget.

Article 18. State System for the Use of Resources and Plans for the Comprehensive Usage, Renewal and Protection of Natural Resources

The state system for the Use of Resources shall constitute a system of measures aimed at the organization of the rational use, renewal, and protection of Natural Resources.

In circumstances envisaged by the legislation, plans for the comprehensive usage, renewal, and protection of Natural Resources shall be drawn up.

Article 19. State Records and State Surveys of Natural Resources

For the purpose of determining the quality and quantity of Natural Resources to be used for the needs of the population and sectors of the economy,' state records and state surveys of Natural Resources shall be maintained which shall consist of the total information compiled with regard to the condition, use, renewal, and protection of Natural Resources.

Article 20. Basic Obligations and Protection of the Rights of Users of Nature

1. Users of nature shall be obliged to:

- use Natural Resources in accordance with the intended purpose and the terms and conditions of the provision thereof;
- observe the established Ecological Requirements for economic and other activities, current standards, technical specifications, and standards of Environmental Quality;
- economically use the Natural Resources granted, not cause damage to the Environment and, not allow violations of the rights of other users of nature;
- conduct in the due procedure measures aimed at Environmental Protection and the renewal of Natural Resources;
- make timely payments for the use of Natural Resources, Pollution of the Environment, and for the protection and renewal of Natural Resources;
- submit necessary information upon the request of agencies exercising state control over Environmental Protection; and
- fulfill other requirements stipulated by the legislation of the Republic of Kazakhstan.

2. The rights of users of nature shall be protected by law. No person may be deprived of the right to the Use of Resources or restricted therein other than on the grounds specified by law. Violated rights of users of nature shall be subject to reinstatement in the procedure stipulated by the legislation of the Republic of Kazakhstan.

CHAPTER V. LICENSING THE USE OF NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Article 21. Activities Subject to Licensing

1. The following activities shall be subject to licensing:

- 1) the use of Natural Resources in accordance with the legislation thereon;
- 2) discarding (disposing of) contaminants into the Environment;
- 3) the burial and storage of production and consumption wastes which present a special hazard to the Environment and to the health of the population; and
- 4) ecological auditing.

2. Ecologically hazardous economic activities shall be subject to mandatory state licensing.

Article 22. Licensing of the Use of Natural Resources and Environmental Protection

Activities regarding the use of Natural Resources and Environmental Protection shall be licensed by specially authorized state agencies, the list of which shall be approved by the Government of the Republic of Kazakhstan.

The terms, conditions, and procedure for the issuance of licenses shall be regulated by legislation.

Article 23. Agreement (Contract) for the Use of Resources

An agreement (contract) for the Use of Resources shall be concluded between the user of nature and the executive agencies or the Government of the Republic of Kazakhstan in the procedure established by legislation.

The agreement (contract) for the Use of Resources shall be deemed void without the preliminary obtaining of a license by the user of nature, if the usage of Natural Resources and the performance of individual types of activities in the field of Environmental Protection require mandatory state licensing.

The conditions and effective term of an agreement (contract) shall be determined by agreement between the parties in accordance with the legislation of the Republic of Kazakhstan or by the license.

Terms and conditions of an agreement (contract) which contradict the license shall be deemed void. Withdrawal of the license shall result in the termination of the agreement (contract).

An agreement (contract) for the Use of Resources shall be subject before its signing to approval by a specially authorized state agency for Environmental Protection.

CHAPTER VI. ENVIRONMENTAL MONITORING AND MONITORING OF NATURAL RESOURCES

Article 24. State Environmental Monitoring and Monitoring of Natural Resources

1. State Environmental Monitoring and monitoring of Natural Resources shall be conducted by specially authorized state agencies performing functions of Environmental Protection and management of the Use of Resources, which shall include:

1) observation under a defined program of the condition of the Environment and Natural Resources and the sources of the human effect thereon;

2) assessment of the condition of the said objects of observation;

and

3) prognosis of their change.

2. Environmental Monitoring and monitoring of Natural Resources shall be conducted in order to provide for managerial and economic decisions on Environmental Protection and the use of Natural Resources.

3. A Single State System for Environmental Monitoring and monitoring of Natural Resources shall be established and shall function in the Republic of Kazakhstan.

4. The functional structure, content, and procedure of the state Environmental Monitoring and monitoring of Natural Resources shall be determined by legislation,

5. Information received within the framework of the Single State System for Environmental Monitoring and monitoring of Natural Resources shall be state property and shall be used by executive agencies for drafting and adopting economic decisions, controlling the use of said information, and for informing the population.

Article 25. Industrial Environmental Monitoring

1. Legal entities which are users of nature shall be obliged to conduct industrial Environmental Monitoring, and maintain records and reports on the effect of their economic activity on the Environment.

2. Measurement equipment used for industrial Environmental Monitoring shall conform to the requirements of standardization and metrology.

3. Industrial monitoring data and reports on effects on the Environment shall be submitted to the specially authorized executive agencies of the Republic of Kazakhstan for Environmental Protection within the time periods agreed upon therewith.

CHAPTER VII. ECONOMIC MECHANISM FOR ENVIRONMENTAL PROTECTION

Article 26. Economic Methods for Environmental Protection

Economic methods for Environmental Protection shall be:

- planning and financing measures for Environmental Protection;
- fees for the usage of Natural Resources;
- fees for Pollution of the Environment;
- fees for the protection and renewal of Natural Resources;
- economic incentives for Environmental Protection;
- ecological insurance; and the establishment of Environmental Protection funds.

Article 27. Planning and Financing Environmental Protection Measures

1. Environmental Protection measures shall be accounted for in prognostic and program-purpose documents and materials, which shall be included in drafts for indicative planning of the social and economic development of the Republic of Kazakhstan and national (state) programs and concepts on various trends of the Use of Resources.

The procedure for developing ecological programs and concepts on various trends of the Use of Resources shall be determined by the legislation of the Republic of Kazakhstan.

2. Ecological programs and Environmental Protection measures shall be financed from:

- the republican budget and local budgets;
 - Environmental Protection funds;
 - ecological insurance; the funds belonging to users of nature;
 - voluntary contributions and donations from legal entities and individuals; and
 - other sources of financing not prohibited by the legislation of the Republic of Kazakhstan.
- Financing for Environmental Protection measures shall be a separate item in budgets of all levels.

Article 28. Fees for the Use of Natural Resources

Fees for the use of Natural Resources shall be collected from users of nature in the forms of general state taxes, local taxes and duties, special payments, and taxes envisaged for certain types of the use of Natural Resources.

Article 29. Fees for Pollution of the Environment

Fees for Pollution of the Environment shall be collected from organizations and citizens for the disposal and discard of contaminants and the siting of industrial and consumption wastes.

Fees for Pollution of the Environment which exceeds the established limits shall be collected in increased amounts in the procedure established by legislation.

Fee rates for Pollution of the Environment shall be approved by regional Akims (city of Almaty) in coordination with the central executive agency for Environmental Protection.

Article 30. Fees for Protection and Renewal of Natural Resources

Fees for the protection and renewal of Natural Resources shall be collected from users of nature as compensation for the budget costs thereof.

Article 31. Economic Incentives for Environmental Protection

1. Economic incentives for Environmental Protection shall be executed via an ecologically oriented policy of subsidies for legal entities which are users of nature which effectively protect the Environment, and other incentive measures.

2. Economic incentives for Environmental Protection may be executed with the help of measures which do not contradict legislation.

Article 32. Ecological Insurance.

1. Ecological insurance shall be a relationship for the protection of the property of legal entities and citizens (insured) in the event of certain insured circumstances due to Pollution of the Environment and irrational use of Natural Resources through the payment of insurance compensations from monetary funds formed by insurers from insurance payments made by insured* persons and other sources not prohibited by legislation.

2. Legal entities and citizens engaged in ecologically hazardous types of economic or other activities shall be subject to mandatory ecological insurance. An agreement for mandatory insurance may be concluded only with an insurer which holds a license for that type of insurance.

3. Voluntary ecological insurance shall be purchased by legal entities and individuals at their own will. The types, terms and conditions, and procedure for voluntary ecological insurance shall be determined by agreements between insurers and insurable persons.

Article 33. Environmental Protection Funds

1. Environmental Protection funds shall be created for financing the resolution of urgent Environmental Protection tasks, rehabilitation of losses in the Environment, compensation of damage and other Environmental Protection measures.

2. Environmental Protection funds shall be legal entities and may be both state and public. State Environmental Protection funds shall be divided into republican and local funds.

3. The republican Environmental Protection fund shall be created from deductions from the local funds.

4. Local Environmental Protection funds shall be created from funds received from users of nature as fees for Pollution of the Environment received in lawsuits for damages, penalties for violations of the legislation on Environmental Protection, funds from the sale of confiscated hunting and fishing equipment, illegally obtained products, and from other monies not contradicting the legislation of the Republic of Kazakhstan.

5. The activity of state funds and the use of their money shall be determined by regulations on Environmental Protection funds.

6 The formation and spending of the money of public Environmental Protection funds shall be determined by regulations (charters) thereon.

Article 34. Use of State Environmental Protection Funds

1. State Environmental Protection funds shall be used, not replacing other sources of financing, for:

- 1) scientific and technical research and assisting the implementation of resource-saving and ecologically clean technologies;
- 2) participation in the financing of the construction and reconstruction of facilities which protect nature, performed by legal entities which are users of nature;
- 3) implementing measures for the renewal of Natural Resources which suffered damage as a result of Pollution of the Environment;
- 4) payment in due procedure as compensations to citizens for damage caused to their health by contamination or other unfavorable effects on the Environment;
- 5) shared participation in the development and implementation of programs, projects, and normative and methodical documents aimed at the improvement of Environmental Quality;
- 6) development of ecological education and training;
- 7) creation and organization of specially protected natural territories;
- 8) strengthening the material and technical base of executive agencies for Environmental Protection; and
- 9) other purposes connected with Environmental Protection.

2. It shall be prohibited to spend money from Environmental Protection funds for purposes not connected with Environmental Protection.

CHAPTER VIII. ENVIRONMENTAL QUALITY REGULATIONS

Article 35. Basic Objectives and Requirements for Environmental Quality Regulations

Environmental Quality Regulations shall have the purpose of establishing scientifically-based maximum acceptable standards for influencing the Environment, guaranteeing Ecological Safety and the protection of the health of the population, and ensuring the prevention of Pollution of the Environment, and the renewal and rational use of Natural Resources.

The main tasks of Environmental Quality Regulations shall include:

- the establishment of criteria of Environmental Quality and determination of its effect on the health of people, and on the protection, renewal, and rational use of Natural Resources; and
- the establishment of maximum acceptable amounts and levels of damaging influence on the Environment. Exceeding the established standards of Environmental Quality or replacing them with temporary or reduced norms shall not be permitted.

The standards may be made stricter depending on the specific ecological conditions of territories. Approved Environmental Quality Regulations shall be compulsory for all legal entities and individuals and shall be published and freely distributed.

If in the country of an investor or supplier (manufacturer) of equipment, less strict standards for Environmental Quality are in effect as compared to the Republic of Kazakhstan, such a project may be implemented in the Republic of Kazakhstan in accordance with the foreign standards, subject to a positive opinion of the state expert ecological examination.

Article 36. Main Types of Standards for Environmental Quality

The main types of standards for Environmental Quality shall include:

- standards for the maximum acceptable levels of concentration of hazardous substances in the Environment;
- standards for the maximum acceptable levels of discarded and disposed-of contaminants in the Environment;
- standards for the maximum acceptable levels of noise, vibration, magnetic fields and other damaging physical effects;
- standards for the maximum acceptable radiation level;
- standards for the maximum acceptable levels of use of chemicals in agriculture and forestry;
- standards for restricted-access, sanitary, and other protected zones. The legislation of the Republic of Kazakhstan may stipulate other types of standards for Environmental Quality.

Article 37. Standards for the Maximum Acceptable Levels of Concentrations of Hazardous Substances in the Environment

For the purpose of the protection of the health of the population, flora and fauna, and the preservation of their gene pools, standards for the maximum acceptable levels of concentrations of potentially hazardous chemical and biological substances which contaminate the air, water, soil, and subsoil shall be established.

Article 38. Standards for the Maximum Acceptable Levels of Discarded and Disposed-of Contaminants in the Environment

For the purpose of the prevention of Pollution of the Environment, taking into account all sources and amounts of contamination on the relevant territory, the comprehensive effect thereof on the health of the population and on flora and fauna and standards for the acceptable levels of discarded contaminants disposed of into the Environment shall be established for each source of contamination.

Article 39. Standards for the Maximum Acceptable Levels of Noise, Vibration, Magnetic Fields and Other Hazardous Physical Effects

For the purposes of the preservation of the health and capacity for labor of the population, the protection of flora and fauna, and an Environment favorable for life, standards for the maximum acceptable levels of noise, vibration, magnetic fields, and other hazardous physical effects shall be established.

Article 40. Standards for the Maximum Acceptable Levels of Radiation

For the purposes of the prevention of danger for the health and gene pool of the human population and the protection of flora and fauna, standards for the maximum acceptable radiation levels shall be established for the Environment and food products.

Article 41. Standards for the Maximum Acceptable Levels of Agro-Chemicals in Agriculture and Forestry

For the purpose of the protection of the health and gene pool of the human population and the protection of flora and fauna, standards shall be established for the maximum acceptable levels of mineral fertilizers, pesticides, stimulants, and other agro-chemicals in agriculture and forestry, applied in doses ensuring compliance with the standards for the maximum acceptable level of trace quantities of chemicals in food products, subsoil, and water.

Article 42. Restricted-Access, Sanitary, and Other Protected Zones

For the purpose of the prevention of hazardous effects on the Environment and preservation of objects requiring special protection, restricted-access, sanitary, and other protected zones shall be

established. The sizes of restricted-access, sanitary, and other protected zones and the modes of operation thereof shall be established in accordance with legislation.

CHAPTER IX. STANDARDIZATION AND CERTIFICATION IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 43. Objects of Standardization and Certification in the Field of Environmental Protection

Objects of standardization and certification in the field of Environmental Protection shall include products (work, services) manufactured in the Republic of Kazakhstan or imported products (work, services) which may threaten the ecological safety, life and health of the population, or the renewal and rational use of Natural Resources.

Article 44. Standardization in the Field of Environmental Protection

State standards of the Republic of Kazakhstan and technical specifications in the field of Environmental Protection shall be developed, approved, and registered in the procedure established by legislation. The development, manufacture, supply (sale), storage, transportation, use (operation), and repair of products (manufactured goods), and the performance of work (provision of services) which violates the requirements of the registered standards and technical specifications in the field of Environmental Protection shall be prohibited.

Article 45. Certification in the Field of Environmental Protection

In order to determine the compliance with the standards and technical specifications in the field of Environmental Protection, mandatory and voluntary certification shall be carried out in the procedure established by legislation. The sale of products (work, services) subject to mandatory certification in the field of Environmental Protection shall be prohibited without a certificate of compliance.

CHAPTER X. ECOLOGICAL REQUIREMENTS FOR ECONOMIC AND OTHER ACTIVITIES

Article 46. Assessment of Effects on the Environment

Effects on the Environment shall be assessed in order to determine ecological and other consequences of adopted management and economic decisions, to draw up recommendations aimed at the improvement of the sanitary conditions of the Environment, prevent the elimination, degradation, damage, and exhaustion of natural Ecosystems and Natural Resources.

Results of the assessment of effects on the Environment shall be formed into a document which shall be an integral part of pre-project and project materials. It shall be prohibited to develop and implement projects which have an impact on the Environment without any assessment of the effects thereon.

Restructuring, conservation, changes of ownership and liquidation of enterprises, constructions, and other objects adversely affecting the Environment may be performed only in coordination with

the specially authorized state agencies for Environmental Protection, or after tests executed thereby for the assessment of effects on the Environment, elimination of discovered violations, and compensation in due procedure for damage caused.

The procedure for the assessment of effects on the Environment shall be determined by the legislation on expert ecological examination.

Article 47. Ecological Requirements for Use of Natural Resources

Ecological Requirements for the use of land, subsoil, waters, the atmosphere, forests and other flora, fauna. Objects of Environmental Protection having special ecological, scientific, and cultural value, specially protected natural territories, and territories with unfavorable ecological situations shall be determined by legislative and other normative legal acts.

Economic or other activity which causes the destruction of natural Ecosystems, the destruction of the human gene pool or flora and fauna, or changes in the Environment hazardous for the life and health of the population shall be prohibited.

Article 48. Ecological Requirements for Project Planning

Planned projects for settlements, enterprises, buildings and constructions, industrial and agricultural facilities, water supply and sewage systems, hydraulic engineering constructions, vehicles, communications equipment, technological processes, goods, equipment, and other objects shall take into account standards for Environmental Quality, for neutralization and utilization of hazardous wastes, low-waste or no-waste technologies and manufacturing processes, effective measures for the prevention of Pollution of the Environment, and the renewal and rational use of Natural Resources.

Projects which do not receive positive opinions from the state expert ecological examination shall not be approved and financing for the realization of such projects shall not be permitted.

Article 49. Ecological Requirements for the Siting of Enterprises, Installations, and Other Objects

The siting of enterprises, installations, and other facilities shall be determined with compliance with the conditions and rules of Environmental Protection, the renewal and rational use of Natural Resources, with consideration of the ecological consequences of the activity of such facilities.

Restricted-access, sanitary, and other protected zones shall be established during the siting of enterprises, installations and other facilities.

Article 50. Ecological Requirements for Construction and Reconstruction of Enterprises, Installations and Other Facilities

Enterprises, installations and other facilities may be constructed and reconstructed with the obtainment of a positive opinion from the state expert ecological examination and in accordance with the standards for

Environmental Quality. No changes which may cause harm to the Environment shall be allowed in an approved project or in construction costs.

Measures for the recultivation of land, renewal and rational use of Natural Resources, and the improvement of territories and sanitary conditions of the Environment shall be taken in the course of construction.

Article 51. Accounting for Ecological Requirements and Obligations in the Course of Privatization of State Property

1. The executive agency authorized to conduct privatization shall ensure compliance with the Ecological Requirements in the course of the privatization of state property.

2. Enterprises and other facilities shall be privatized subject to ecological situation test results. Tests of the ecological situation of state enterprises and other facilities shall be provided for by the privatization plan for the enterprise or other facility and shall be conducted with the participation of the state ecological control agency.

3. Measures for the cleaning and disinfection of enterprises or other privatized facilities shall be financed by the state and/or from the following sources with the consent of the new owner:

- 1) funds reinvested by the new owner of the enterprise for the construction, reconstruction, and technical refurbishment of facilities for protecting nature;
- 2) funds credited to the privatized enterprise or other facility as purpose-oriented credits, interest-free credits, and purpose-oriented funding for the needs of protecting nature;
- 3) funds received by the enterprise through the ecological insurance system;
- 4) part of the funds received from the sale of the state block of shares; and
- 5) other sources envisaged by legislation.

Article 52. Accounting for Ecological Requirements and Obligations in the Event of Bankruptcy

1. In the event of initiating a bankruptcy case against a legal entity which is a user of nature, the ecological situation of the enterprise or other facility shall be tested.

2. The responsibility for conducting the testing of the ecological situation of the enterprise or other facility shall be vested in the body performing the sanitation or an external manager.

3. The objects of the testing shall be the results of the economic activity which caused the bankruptcy and the compliance with the Ecological Requirements by the enterprise.

4. In the course of bankruptcy proceedings against a legal entity which is a user of nature, the interests of creditors with regard to ecological obligations shall be accounted for.

Article 53. Accounting for Ecological Requirements and Obligations in the Event of Liquidation and Reorganization of a Legal Entity

1. The liquidation and reorganization of a legal entity which is a user of nature shall be conducted with consideration of Ecological Requirements on the basis of the data of the test of the situation at the enterprise and/or expert ecological examination, and such results shall be reflected in the liquidation balance sheet prepared in the event of the appropriate form of reorganization of a legal entity.

2. The test of the ecological situation of a legal entity undergoing liquidation or reorganization shall be conducted with the participation of the state expert ecological examination agency.

3. In the event of the reorganization of a legal entity, the legal succession of ecological obligations regarding the new owner shall be provided for in accordance with the division balance.

4. A legal entity shall be liquidated with consideration of creditors' interests regarding ecological obligations.

Article 54. Ecological Requirements for Start-Up and Operation of Enterprises, Installations and other Facilities

The operations of enterprises, installations, and other facilities shall be started up subject to their complete compliance with all the Ecological Requirements stipulated by the project under the acts of acceptance commissions created with the participation of the specially authorized state agencies for Environmental Protection.

It shall be prohibited to start up the operations of enterprises, installations and other facilities not equipped with devices and equipment for cleaning, disinfection, and utilization of hazardous wastes, discarding contaminants up to the level of the maximum acceptable standards, and devices for controlling Pollution of the Environment, or without the completion of planned works for the recultivation of lands and the renewal and rational use of Natural Resources.

Article 55. Ecological Requirements for Operation of Industrial, Energy, Transportation, Communications, Agricultural, and Melioration Facilities.

Industrial, energy, transportation, communications, agricultural, and melioration facilities shall be operated with consideration of the established Ecological Requirements and with the use of ecologically justified technologies, necessary cleaning devices, and sanitary zones which eliminate Pollution of the Environment. Low-waste or no-waste technologies shall be implemented in the operation of such facilities and they shall be equipped with effective means for the cleaning, disinfection, and utilization of hazardous substances, shall use safe fuel types, shall economically and rationally use Natural Resources, and shall take measures for Ecological Safety.

Project planning and construction of atomic and hydroelectric power stations on densely populated areas, seismically dangerous zones, or traditional places of public recreation and medical treatment of the population shall be prohibited.

Article 56. Ecological Requirements for Construction of Cities and Other Settlements

Project planning, construction, and reconstruction of cities and other settlements shall provide the best possible conditions for the life, labor, and recreation of the population, taking into consideration the requirements of Ecological Safety and preservation of the Environment.

In the course of planning and constructing cities and other settlements, sanitary cleaning, disinfection, utilization, storage, safe removal, processing, and burial of industrial and domestic wastes shall be provided for and carried out. Forested parks, green zones, and protected zones with a limited Use of Resources regime shall be created within big cities and industrial centers.

Article 57. Ecological Requirements for the Use of Radioactive Materials

Organizations and citizens shall be obliged to observe the established rules with regard to the production, storage, transportation, use, utilization, removal, and burial of radioactive materials, not to allow any violations of the standards of the maximum acceptable radiation levels, take measures to prevent and liquidate radioactive Pollution of the Environment.

It shall be prohibited to import radioactive wastes and materials from other states to the Republic of Kazakhstan for storage or burial. Burial (siting) of radioactive wastes and materials on the surface of the earth and in the subsoil shall be prohibited without taking measures for the elimination of the possibility of radioactive materials entering the Environment.

In the event of discovery of any radioactive Pollution of the Environment, organizations and citizens shall be obliged to immediately inform the controlling agencies thereof.

Article 58. Ecological Requirements for the Production and Use of Potentially Hazardous Chemicals and Biological Substances

The production and use of potentially hazardous chemicals and biological substances shall be permitted after the necessary hygienic-toxicological and ecotoxicological research, hygienic regulations for handling the same, the establishment of hygienic and ecological standards, and the state registration of such substances in the procedure established by the Government of the Republic of Kazakhstan.

The cultivation and disposal in the Environment of biological objects which are alien to the local natural surroundings or artificially created shall be allowed with relevant ecological grounds and permits issued by the specially authorized state agencies for Environmental Protection.

Article 59. Protection of the Environment from Hazardous Physical Effects

Organizations and citizens shall be obliged to take necessary measures to prevent and eliminate the hazardous effects of noise, vibration, magnetic fields, and other hazardous physical effects in industrial, public, and residential premises, streets, courtyards, city squares, and other settlements, in public recreation areas, and in places inhabited by wildlife.

The standards for the maximum acceptable levels of noise, vibration, magnetic fields, and other hazardous physical effects shall be taken into account in the planning and construction of cities and other settlements, in the project planning, construction, reconstruction, and operation of industrial

and other facilities, in the creation, development, and operation of new technology, vehicles, and communications devices.

Article 60. Ecological Requirements for Handling Industrial and Consumption Wastes

1. The storage, destruction, and burial of wastes shall be performed in places determined by the decisions of local executive agencies in coordination with the specially authorized executive agencies for Environmental Protection and other executive agencies of the Republic of Kazakhstan which perform Environmental Protection functions.

2. Wastes may be imported to the Republic of Kazakhstan for processing, burial, or storage only by special authorization from the Government of the Republic of Kazakhstan.

3. The import of products which lack technologies for their neutralization or utilization after use shall be prohibited.

4. Ecological Requirements for handling wastes shall be determined by the legislation on wastes and other normative legal acts in addition to this Law.

5. The formation and use of industrial and domestic wastes shall be subject to state registration.

Article 61. Ecological Requirements for Military and Defense

Installations and Military Activity Ecological Requirements established by this Law shall fully cover military and defense installations and military activity except in special situations stipulated by the legislation of the Republic of Kazakhstan.

Article 62. Protection of the Climate and the Ozone Layer

The climate and the ozone layer shall be protected in accordance with the legislation of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan.

CHAPTER XI. EXPERT ECOLOGICAL EXAMINATION

Article 63. Expert Ecological Examination and Types Thereof

Expert ecological examination shall be a determination of conformity of economic and other activity to the standards for Environmental Quality and Ecological Requirements, and of the acceptability for implementation of the object of examination in order to prevent the possible negative effects and related consequences of such activity on the Environment.

The Republic of Kazakhstan shall perform state expert ecological examination and public expert ecological examination.

Article 64. State Expert Ecological Examination

State expert ecological examination shall be conducted by the specially authorized state agencies for expert ecological examination.

The list of objects subject to mandatory state expert examination and the procedure for the conduct thereof shall be determined by the legislation of the Republic of Kazakhstan.

The production or import of products into the territory of the Republic of Kazakhstan (work, services) for Environmental Protection, which are subject to expert ecological examination, shall be prohibited without a positive opinion from such expert examination.

Expert ecological examination opinions shall be official documents, shall be enforceable and may be contested in court.

Article 65. Public Expert Ecological Examination

Public associations and other groups of the population may conduct public expert ecological examinations.

The organizational forms for conducting public expert ecological examinations, and the authority of public associations in relation to expert ecological examinations shall be determined by the legislation on expert ecological examinations.

Opinions of public expert ecological examination shall have an informative and recommendation character.

CHAPTER XII. OBJECTS OF ENVIRONMENTAL PROTECTION OF SPECIAL ECOLOGICAL, SCIENTIFIC AND CULTURAL VALUE

Article 66. State Nature Reserve Fund

The state nature reserve fund shall be the total of the objects of the Environment brought under special state protection which have ecological, scientific, and cultural value as natural specimens, unique objects or relics, genetic reserves, objects of scientific research, education, and recreation.

The protection of the state nature reserve fund shall be provided for by establishing prohibitions and restrictions on the use of objects of the Environment of a special ecological, scientific, and cultural value.

Article 67. Specially Protected Natural Territories

1. Specially protected natural territories shall be plots of land, water, forests and subsoil which are under a legal regime of special protection or a regulated economic regime providing for preservation and rehabilitation of the state nature reserve fund.

2. The following types of specially protected natural territories, which differ in their purposes, protection regimes, and specification of use, shall be created in the Republic of Kazakhstan:

- state natural reserves, including biospheric reserves;

- state national and nature parks;
- state natural monuments;
- state natural reserve zones;
- state natural game reserves;
- state zoological parks; and state botanical gardens and dendrological parks.

The legislation of the Republic of Kazakhstan may provide for other types of specially protected natural territories. Specially protected natural territories may be of republican or local significance.

3. The procedure for the formation and the regimes of protection and use of specially protected natural territories shall be established by legislative and other normative legal acts of the Republic of Kazakhstan.

CHAPTER XIII. EMERGENCY ECOLOGICAL SITUATIONS AND ECOLOGICAL DISASTER AREAS

Article 68. Emergency Ecological Situations

An emergency ecological situation shall be deemed an unfavorable ecological circumstance arising on a certain territory as a result of human activity or a natural disaster, characterized by deep and long-lasting negative changes in the Environment, hazardous for the life and health of the people and the preservation of flora and fauna.

On territories in the Republic of Kazakhstan experiencing emergency ecological situations, certain types of economic or other activity and the use of nature may be prohibited or restricted;

operative measures for rehabilitation (renewal) of Natural Resources, sanitary improvement of the Environment, and social protection of the population shall be taken in the procedure envisaged by legislation.

Article 69. Ecological Disaster Areas

1. Territories with emergency ecological situations shall be declared ecological disaster areas, if as a result of the unfavorable ecological situation a material harm has been done to the health of the population and/or natural Ecosystems have been destroyed or flora and fauna have been degraded.

2. Ecological disaster areas in each separate case shall be subdivided into subzones (ecological catastrophes, ecological crises, ecological pre-crisis conditions, etc.) subject to the difficulty and graveness of the ecological emergency situation or the factors which caused it.

3. Measures for the renewal of Natural Resources, improvement of the sanitation of the natural Environment, and medical aid to the population shall be developed and exercised differentially in individual ecological disaster areas in accordance with republican purpose-oriented programs approved by the Government.

4. In ecological disaster areas:

- 1) the activity of the economic entities which caused the appearance of the unfavorable ecological circumstance shall be terminated;
- 2) the operation of organizations, shops, units, and equipment which damage people's health and the Environment may be suspended;
- 3) certain types of the Use of Resources shall be restricted; and
- 4) if necessary, measures shall be taken to evacuate people.

5. Citizens who suffered as a result of an ecological emergency situation and those residing in ecological disaster areas shall have the right to damages including compensations, benefits, and other social protection.

The procedure for determining which citizens have suffered as a result of an ecological emergency situation and the forms of social protection shall be defined by legislation.

Article 70. Declaration of Ecological Emergency Situations and Ecological Disaster Areas

Ecological emergency situations on separate territories of the Republic of Kazakhstan shall be declared by the Government. Ecological disaster areas shall be declared by laws of the Republic of Kazakhstan. The borders of ecological disaster areas shall be determined by the Government subject to the positive opinion of the specially authorized executive agencies for Environmental Protection, health care, and science.

CHAPTER XIV INFORMATION AND STATE STATISTICS ON ENVIRONMENTAL PROTECTION

Article 71. Information on Environmental Protection

Information on Environmental Protection shall be deemed information on the situation, contamination, and sanitary improvement of the Environment, on financing (sources of financing), expenses toward the protection and sanitary improvement of the Environment, on the condition, renewal, and use of Natural Resources which affect the Environment, regulation of the quality thereof, and Ecological Requirements for economic and other activities. Information shall be open, public, and shall be published in the mass media.

Any concealment, untimely presentation, or falsification of information on Environmental Protection by officials shall be prohibited.

Article 72. State Statistics on Environmental Protection

The specially authorized state agencies shall maintain state statistics on Environmental Protection on the basis of the objectiveness of statistical information and comparability with international statistics.

Legal entities and individuals shall provide statistics in a definite amount and within the established time periods in the form of state statistical reports at the expense of the information provider.

The minimal requirements for state statistical reports and the procedure for the maintenance of state statistics on Environmental Protection shall be determined by legislative and other normative legal acts.

CHAPTER XV. ECOLOGICAL EDUCATION AND TRAINING, SCIENTIFIC RESEARCH IN THE SPHERE OF ENVIRONMENTAL PROTECTION

Article 73. General and continuous ecological education and training

In order to enhance the ecological knowledge of society and to train specialists, a system of general and continuous ecological education and training shall be established, which shall envelop the entire process of pre-school, secondary, professional technical, secondary special, and higher education, and the retraining and the improvement of the qualifications of specialists.

Ecological knowledge shall be disseminated amongst the population by state agencies and public associations via the mass media and in Other procedures not contradicting the legislation.

Article 74. Ecological Education

Educational institutions, regardless of their profile and their form of ownership, shall provide for the teaching of ecological disciplines.

Officials and experts engaged in activity which harmfully affects the Environment shall be obliged to possess the necessary ecological background and knowledge of the basics of Environmental Protection legislation. The professional ecological training of managers and experts shall be taken into consideration in their appointment to a position, and their assessment and re-assessment.

Article 75. Scientific Research on Environmental Protection

For the purpose of the development and creation of a scientific basis for Environmental Protection, scientific research shall be conducted in the procedure established by legislation.

Scientific research, construction experiments, and introductory work in the field of Environmental Protection shall be financed by the republican budget upon their inclusion in national (state) programs.

CHAPTER XVI. CONTROL OVER ENVIRONMENTAL PROTECTION

Article 76. Tasks and Types of Control over Environmental Protection

1. Control over Environmental Protection shall stipulate superintendence over the state of the Environment and the changes therein influenced by economic and other activities, verification of the fulfillment of plans and measures taken with regard to the protection and sanitary improvement of the Environment, the renewal and rational use of Natural Resources, compliance with the legislation on Environmental Protection, and quality standards and Ecological Requirements.

2. The Republic of Kazakhstan shall exercise state, departmental, industrial, and public control in the field of Environmental Protection.

Article 77. State Control over Environmental Protection

1. State control over Environmental Protection shall be exercised by the specially authorized state agencies, within their competence, and by local executive agencies.

2. Officials of the specially authorized-state agencies for Environmental Protection shall have the right to:

- unimpeded visits (subject to presentation of official credentials) to organizations and other facilities, regardless of their form of ownership and subordination (including military and defense installations, in due procedure), to request and obtain without payment documents, results of analyses, and other materials necessary for the exertion of state control;

- verify the fulfillment of plans and measures related to the protection and sanitary improvement of the Environment, the renewal and use of Natural Resources, compliance with legislative requirements for Environmental Protection, quality standards and Ecological Requirements, and the operation of cleaning facilities and other disinfection devices and the means of control thereof;

- verify compliance with the terms and conditions established by licenses for the use of Natural Resources, the performance of certain activities connected with Environmental Protection, and the fulfillment of agreements (contracts) and permits for the Use of Resources, to revoke the same in the established procedure, and to give instructions or submit proposals with regard to such revocation;

- submit proposals with regard to state expert ecological examination and check the fulfillment of the opinions thereof;

- give instructions on prohibiting the import into and transit (further transportation) within the Republic of Kazakhstan of ecologically hazardous loads (goods), wastes, and raw materials performed in violation of the standards for Environmental Quality and Ecological Requirements;

- present demands to legal entities and individuals and give instructions with regard to the elimination of violations regarding Environmental Protection;

- give instructions with regard to the restriction and suspension of the operations of enterprises, installations and objects, prohibiting the start-up of same, to restrict or suspend economic or other activity carried out in violation of Ecological Requirements, or to submit proposals on the termination of such activities;

- consider, in the procedure established by legislation, cases on administrative offenses regarding Environmental Protection, and submit materials on bringing the guilty to administrative or criminal amenability with the relevant agencies;

- determine (participate in the determination of) the damage caused as a result of a violation of the Environmental Protection legislation, and on such basis present claims to responsible persons with regard to voluntary compensation of such damage or initiating court proceedings;

- submit instructions to the appropriate financial organizations with regard to termination of the financing of construction, the operation of facilities, and economic or other activity performed in violation of Ecological Requirements or without the positive opinion of the expert ecological examination;

- verify compliance with the standards and rules for departmental and industrial control over Environmental Protection; and

- exercise other rights granted by the current legislation.

3. The decisions of officials of the specially authorized state agencies for Environmental Protection, taken within their competence, shall be binding on all legal entities, officials, and citizens, and may be contested in the procedure of subordination or in court.

Article 78. Departmental and Industrial Control over Environmental Protection

Departmental and industrial control shall be exercised on the basis of regulations thereon approved by central executive agencies or organizations by consent of the specially authorized state agencies for Environmental Protection.

Article 79. Public Control over Environmental Protection

Public control shall be exercised by public associations at their initiative, on agreement with users of nature and the specially authorized state agencies for Environmental Protection.

The procedure for the exertion of public control shall be determined by public associations in accordance with their charters.

Article 80. Measures for the Protection of Persons

Exercising Control over Environmental Protection Persons exercising state control over Environmental Protection shall be subject to mandatory insurance and shall have the right to damages in the established procedure in the event of death or mutilation.

In the cases stipulated by legislation, persons who exercise control over Environmental Protection shall have the right to keep, bear, and use special devices and firearms.

CHAPTER XVII. ECOLOGICAL AUDIT

Article 81. Ecological Audit

An ecological audit shall be deemed an independent verification of the economic or other activity of organizations and citizens with the purpose of their compliance with the standards and rules for Environmental Protection, Ecological Requirements, including the correctness of the compilation of reports on the use and renewal of Natural Resources.

Article 82. Ecological Auditing Activity

Ecological audits shall be conducted by independent persons (ecological auditors) and audit organizations on the basis of an agreement with the client. In the cases established by legislation, audits shall be mandatory.

Foreign auditors and audit organizations may be contracted for an ecological audit, Ecological auditing activity shall be subject to state licensing, and an ecological auditor may be an individual or a legal entity attested to by a qualification commission and having a qualification certificate (credential) for the right to engage in auditing activity on the territory of the Republic of Kazakhstan.

Article 83. The Procedure for Conducting Ecological Audits

The procedure and conditions for ecological auditing activity, attestation of auditors, conducting ecological audits, and the rights, obligations, and liability of ecological auditors and audit organizations shall be established by legislation.

CHAPTER XVIII. SETTLEMENT OF DISPUTES REGARDING ENVIRONMENTAL PROTECTION AND LIABILITY FOR VIOLATION OF ENVIRONMENTAL PROTECTION LEGISLATION

Article 84. Settlement of Disputes Regarding Environmental Protection

Disputes regarding Environmental Protection shall be settled by courts or in the procedure established by the legislation of the Republic of Kazakhstan.

Article 85. Liability for Violation of Environmental Protection Legislation

Individuals and legal entities guilty of committing a violation of Environmental Protection legislation shall be liable in accordance with the legislation of the Republic of Kazakhstan.

Article 86. Compensation for Damage Caused by Violations of Environmental Protection Legislation

1. Legal entities and individuals cause damage to the Environment, health of citizens, or the property of organizations, citizens, and the state as a result of a violation of Environmental Protection legislation shall be obliged to compensate damages in accordance with the prevailing legislation.

Damage caused as a result of a violation of Environmental Protection legislation shall be compensated for voluntarily or by court decision in accordance with the fees and methods of calculation of damage established in due procedure, and in the absence thereof, damages shall be compensated in accordance with the actual expenses for the rehabilitation of the violated state of the Environment taking the losses incurred into account.

Damages recovered shall be transferred to Environmental Protection funds, and in the cases established by legislation, shall be transferred to the legal entity or individual who has suffered detriment.

2. Legal entities and individuals whose activity is associated with increased danger to the Environment shall be obliged to compensate for the damage caused thereby, unless they can prove that the damage was caused as a result of a force majeure or by design of the victim.

3. Damages caused to the health or property of citizens due to any violation of Environmental Protection legislation shall be subject to compensation in full, including for the loss of the victim's ability to work, expenses for his treatment and rehabilitation, care for the ill, and other expenses and losses.

The amount of compensation for damages to the health and property of citizens shall be determined in accordance with the prevailing legislation, and damages shall be compensated for on the basis of a court decision.

Moral damages caused as a result of any violation of Environmental Protection legislation shall be subject to compensation in the procedure established by the Civil Code of the Republic of Kazakhstan.

CHAPTER XIX. INTERNATIONAL COOPERATION FOR ENVIRONMENTAL PROTECTION

Article 87. International Cooperation for Environmental Protection

The Republic of Kazakhstan shall carry out international cooperation for Environmental Protection on the basis of the principle of observance of universal Ecological Safety.

Article 88. Activity of Foreign Organizations and Foreign Citizens in the Field of Environmental Protection on the Territory of the Republic of Kazakhstan

The activity of foreign organizations and foreign citizens shall be allowed on the territory of the Republic of Kazakhstan if it does not contradict the legislation of the Republic of Kazakhstan or is regulated by international treaties ratified by the Republic of Kazakhstan.

Article 89. International Treaties of the Republic of Kazakhstan on Environmental Protection

If international treaties ratified by the Republic of Kazakhstan establish standards others than those contained in the legislation of the Republic of Kazakhstan, then the rules of the international treaties shall apply.

President of the Republic of Kazakhstan

N. NAZARBAEV

Almaty, 15 July 1997